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CLERK OF DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY  DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

WILLIE J. ROBERTS,

Plaintiff,

vs.

TOM VILSACK, SECRETARY,  
UNITED STATES DEPARTMENT OF  
AGRICULTURE,

Defendant.

Case No. 09cv1911-BEN (WMC)

**JUDGMENT**

CTRM: 3  
JUDGE: Honorable Roger T. Benitez

On April 10, 2012, Plaintiff's action for discrimination under Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e-16, came on regularly for trial in Courtroom 3 of the United States District Court, Southern District of California, before the Honorable Roger T. Benitez, Judge Presiding. Dianne Schweiner from the United States Attorney's Office appeared on behalf of Defendant, Tom Vilsack, Secretary, United States Department of Agriculture. Douglas E. Geyman appeared on behalf of Plaintiff, Willie J. Roberts.

A jury of 8 persons was regularly impaneled and sworn, and witnesses were sworn and testified. After hearing the evidence and arguments of counsel, the jury was duly instructed by the Court and the cause was submitted to the jury with directions to return a verdict on special issues. The jury deliberated and returned into Court on April 13, 2012 with a verdict as follows:

**Question 1**

Has Plaintiff proved by a preponderance of the evidence that Plaintiff's race was a substantial or motivating factor behind the following decisions by Defendant:

- (a) Issuance of Letter of Caution YES \_\_\_ NO X
- (b) Issuance of Letter of Reprimand YES \_\_\_ NO X
- (c) Two week Suspension YES \_\_\_ NO X
- (d) Delayed Promotion YES \_\_\_ NO X

If you answered "no" to all of the decisions listed in Question 1, skip the remaining questions and sign and return this verdict. If you answered "yes" to any of the decisions listed in Question 1, proceed to Question 2.

**Question 2**

As to those decisions listed in Question 1 to which you answered "yes," has the Defendant proved by a preponderance of the evidence that those same decisions were also motivated by a lawful reason and that Defendant would have made those same decisions even absent Plaintiff's race?

- (a) Issuance of Letter of Caution YES \_\_\_ NO \_\_\_ N/A \_\_\_
- (b) Issuance of Letter of Reprimand YES \_\_\_ NO \_\_\_ N/A \_\_\_
- (c) Two week Suspension YES \_\_\_ NO \_\_\_ N/A \_\_\_
- (d) Delayed Promotion YES \_\_\_ NO \_\_\_ N/A \_\_\_

If you answered "yes" and/or "N/A" to all of the decisions listed in Question 2, skip the remaining questions and sign and return this verdict. If you answered "no" to any of the decisions listed in Question 2, proceed to Question 3.

**Question 3**

With regard to any decisions to which you answered "no" in Question 2, has Plaintiff proved by a preponderance of the evidence that those decisions caused Plaintiff emotional distress?

YES \_\_\_ NO \_\_\_

If you answered "no," sign and return this verdict. If you answered "yes," answer Question 4.

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**Question 4**

What do you find to be the total amount of past emotional distress damages suffered by Plaintiff?

Amount: \$ \_\_\_\_\_

You are now finished with this Special Verdict form. The jury foreperson should date and sign this form, and return it to the Court. The Court will then instruct you as to the need for further deliberations.

Dated: April 13, 2012

Katherine S. Curriden  
JURY FOREPERSON'S SIGNATURE

**THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

1. Based on the Special Verdict by the jury, judgment is entered in favor of Defendant Tom Vilsack, Secretary, United States Department of Agriculture, and against Plaintiff, Willie J. Roberts, relating to Plaintiff's complaint. Plaintiff is awarded nothing by way of his complaint, and Defendant is the prevailing party in this action for all purposes.

2. Defendant Tom Vilsack, Secretary, United States Department of Agriculture, is further awarded costs of suit against Plaintiff, Willie J. Roberts, in an amount to be determined at a later date.

DATED: 5/24/2012

Honorable Roger T. Benitez  
UNITED STATES DISTRICT COURT JUDGE

Approved as to Form:

DATED: May 22, 2012

LAW OFFICE OF DOUGLAS E. GEYMAN

s/ Douglas E. Geyman

Douglas E. Geyman, Esq., Attorney for  
Plaintiff, WILLIE J. ROBERTS